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LOCATION: Tacoma, Washington

In re:

Debtors.

TRUSTEE'S OBJECTION TO CONFIRMATION WITH STRICT COMPLIANCE

BACKGROUND

TRUSTEE'S OBJECTION TO CONFIRMATION
WITH STRICT COMPLIANCE - 1

Michael G. Malaier
Chapter 13 Standing Trustee
2122 Commerce Street
Tacoma, WA 98402
(253) 572-6600

OBJECTION

☐ Plan is not feasible:

☒ Plan is not proposed in good faith or is forbidden by law: The debtors are not eligible to be debtors in chapter 13. The current debt limit under §109(e) for unsecured claims is \$394,725.00. As of the date of this motion, filed claims total \$412,800.67. "Eligibility [is] normally determined by the debtor's originally filed schedules, checking only to see if the schedules were made in good faith." *In re Scovis*, 249 F.3d 975 (9th Cir. 2001). In the present case, debtors reported only \$245,341.00 in unsecured claims. However, several of the student loan claims were listed with an "unknown" value. On March 23, 2019, the US department of Education filed a claim for \$290,802.03. Claim # 7. This claim appears to be one of the claims listed with an "unknown" value. As a result, it does not appear that the schedules were filed in good faith, and the current plan should not be confirmed.

☐ Plan fails to commit all excess disposable income for the applicable commitment period as required by 11 U.S.C. § 1325(b)(1)(B):

☐ Plan does not meet the best interests of creditors test as required by 11 U.S.C. § 1325(a)(4):

☐ Schedules or other documentation insufficient:

☐ Other:

WHEREFORE, Trustee requests that the objection to confirmation be sustained and debtors be ordered to file a motion to confirm a plan resolving the issues raised herein within 14 days of entry of the Order Sustaining Trustee's Objection to Confirmation; and to set the hearing on the next available motion calendar after the 14 days expires. If the Motion to Confirm resolving the Trustee's issues is not filed and set for hearing as outlined above, the Trustee requests he be allowed to enter an order dismissing the case, *ex parte*, without notice.

DATED this 15th day of April, 2019.

/s/ Matthew J.P. Johnson

Matthew J.P. Johnson, WSBA# 40476 for
Michael G. Malaier, Chapter 13 Trustee

Michael G. Malaier
Chapter 13 Standing Trustee
2122 Commerce Street
Tacoma, WA 98402
(253) 572-6600

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Cynthia Alice Cichy
Athena Ann Elrod
4301 S. 62nd Street
Tacoma, WA 98409

Ellen Ann Brown
Lance E. Olsen
U.S. Trustee

Executed at Tacoma, Washington this 15th day of April, 2019.

/s/ Tracy Maher
Tracy Maher
Motion Coordinator for
Chapter 13 Trustee